

UNITED STATES OF AMERICA)
)
 v.) **ORDER**
)
 TINNIUS REMONE BELL,)
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 Defendant.)

(unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Bell's sentence, the court finds that Bell engaged in a serious conspiracy to possess with the intent to distribute 500 grams or more of cocaine and a quantity of cocaine base (crack). See PSR [D.E. 97] ¶¶ 7–11. Furthermore, Bell has a serious criminal history, including convictions for resisting a public officer, multiple counts of breaking and entering, possession of cocaine, and possession of a firearm by a felon. See id. ¶¶ 15–31. Moreover, while incarcerated on his federal sentence, Bell has been sanctioned for being absent from assignment, abusing the phone, and fighting. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011); U.S.S.G. § 1B1.10, cmt. n.1(B)(iii). Nonetheless, Bell also has engaged in some positive behavior while incarcerated. See Resentencing Report.

Having reviewed the entire record and all relevant policy statements, the court finds that Bell received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a) and finds that reducing Bell's sentence would threaten public safety in light of his serious criminal conduct, serious criminal history, and custodial misconduct. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Bell's serious criminal conduct, serious criminal history, and custodial misconduct do not support reducing Bell's sentence. Thus, the court denies Bell's motion for reduction of sentence. See, e.g., Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, Bell's motion for reduction of sentence [D.E. 150] is DENIED.

SO ORDERED. This 28 day of June 2016.



JAMES C. DEVER III
Chief United States District Judge